REMARKS

Please review the application in view of the above amendments and the following remarks. Applicants thank the Examiner for courtesies extended during the Examiner Interview of July 28, 2009, and for carefully considering the application.

Disposition of Claims

Claims 1-24 are pending in the application. Claims 1, 9, and 17 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

Examiner Interview

An Examiner Interview was conducted on July 28, 2009. Rejections under 35 U.S.C. § 103 were discussed. No agreement was reached.

Claim Amendments

Claims 1, 3-4, 8-9, 11-12, 16-17, 19-20, and 24 are amended by this reply to clarify the scope of the invention. Specifically, claims 1, 9, and 17 have been amended to clarify that each non-global partition comprises a file system. The remaining amended claims were amended to clarify grammatical errors. Support for these amendments may be found, for example, in paragraph [0026] of the Specification. No new matter is added by way of these amendments.

Amendments to the Specification

Paragraph [0001] of the Specification has been amended to include related applications as requested by the Examiner. *See* Office Action p. 2. No new matter is added by these amendments.

Rejections under 35 U.S.C. § 103

Claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0014466 ("Berger"), in view of U.S. Patent Publication No. 2002/0156824 ("Armstrong"), and further in view of U.S. Patent No. 7,032,222 ("Karp"). To the extent that the rejection applies to the pending claims, the rejection is respectfully traversed.

Briefly, claim 1 discloses, in part, non-global partitions. Each of these non-global partitions shares an operating system kernel with the global operating system environment, and each non-global partition has its own file system. Each of the non-global partitions serves to isolate processes running within it from other non-global partitions.

Turning to the rejection, MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." Further, when combining prior art elements, the Examiner "must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference...." MPEP § 2143(A). Applicants respectfully assert that Berger, Armstrong, and Karp fail to disclose each and every element of the claims, either individually or combined.

Specifically, regarding claim 1, Berger, Armstrong, and Karp fail to disclose non-global partitions, where each of the non-global zones includes a distinct file system. The Examiner cites Berger as disclosing the non-global operating system partitions. *See* Office Action p. 3. However, Berger discloses the use of "containment," which includes placing strict controls on which resources an application can access. *See* Berger paragraph [0010]. Thus, each container does not have its own file system, but restricts application to access only certain resources of the common file system. An example of this is described in paragraph [0041] of the Specification. Specifically, Berger discloses that "[u]nlike traditional trusted OSs, in this example, labels are not used to directly control access to the main filesystem. Instead, filesystem protection is achieved by associating a different section of the main filesystem with each compartment." *See* Berger, paragraph [0041]. Accordingly, it is clear that the containers of Berger do not each contain a separate file system; rather, Berger discloses the use of a common file system among a number of compartments. Thus, Berger fails to disclose the non-global operating system partitions that each include their own file system.

Further, Armstrong and Karp fail to disclose that which Berger lacks. This is evidenced by the fact that Armstrong merely discloses logical partitions. By definition in Armstrong, "[l]ogical partitioning is a technique for dividing a single large computer system into multiple partitions, each of which behaves in some respects as a separate computer system." *See* Armstrong, paragraph [0023]. Accordingly, Armstrong, at best, discloses one set of resources being partitioned, and thus would, at best, disclose a partitioned file system, rather than a separate file system for each non-global operating system partition as is the case in the claimed invention. Finally, Karp fails to

disclose each non-global operating system partition comprising a file system. Specifically, a review of Karp reveals that Karp is silent regarding non-global operating system partitions as claimed.

Moreover, in the event that the Examiner attempts to equate the single file system accessible to multiple containers of the prior art with the distinct file systems in the non-global zones as claimed, the Applicants respectfully remind the Examiner that an finding of obviousness under 35 U.S.C. § 103(a) requires that "the differences between the subject matter sought to be patented and the prior art are such that the subject matter <u>as a whole</u> would have been obvious at the time the invention was made to a person having ordinary skill in the art."[1] Accordingly, at best, the Examiner's assertion that a partitioned file system is equivalent to multiple file systems is merely distilling the claim down to the "gist" of the invention.

MPEP § 2141.02 states that this kind of analysis "disregards the requirement of analyzing the subject matter 'as a whole.'" *See, e.g.,* Bausch & Lomb v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443, 447-49, (Fed. Cir. 1986), *cert. denied*, 484 U.S. 823 (1987). Thus, any potential argument the Examiner may have for finding the claimed distinct file systems as disclosed in the cited prior art would be violate, at least, the above rules outlined by the courts.

For these reasons, Berger, Armstrong, and Karp, whether considered separately or in combination, fail to disclose or render obvious each and every element of independent claim 1. Thus, independent claim 1 is patentable over Berger, Armstrong, and Karp. Independent claims 9 and 17 include similar limitations as independent claim 1 and, thus, are also patentable over the cited prior art for at least the same reasons. Moreover, the remaining claims depend, directly or indirectly, from independent claims 1, 9, and 17, and, thus, are also patentable over the cited prior

art for at least the same reasons. Accordingly, the rejection is respectfully traversed and withdrawal is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33227/467001).

Dated: August 5, 2009   Respectfully submitted,

By   /Robert P. Lord/
     Robert P. Lord
     Registration No.: 46,479
     OSHA · LIANG LLP
     3945 Freedom Circle, Suite 300
     Santa Clara, California 95054
     (408) 727-0600
     (408) 727-8778 (Fax)
     Attorney for Applicants

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[1] Applicants note the Examiner raised this issue during the Examiner Interview and, the Applicants, in an effort to further prosecution, have proactively addressed this issue in the instant action.